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In re Application of
Lutz Weber et al
Serial No.: 10/081,009 : PETITION DECISION
Filed: February 20, 2002
Attorney Docket No.: 41925-56937

This is in response to the petition under 37 CFR 1.181, filed April 1, 2004, requesting withdrawal of abandonment based on timely filing of a reply.

A review of the file history shows that the examiner mailed an Office action to applicants on August 19, 2003, setting a three month shortened statutory period for reply. Upon failure to receive a reply the application was held abandoned by Notice of Abandonment mailed March 10, 2004. Applicants state that a reply was submitted on February 12, 2004, which included a Notice of Appeal, a request for a three month extension of time and the fees therefore, and provide a copy of the reply with a properly executed Certificate of Mailing dated February 12, 2004. Applicants state that the reply was returned to the sender (for reasons unknown) on February 23, 2004. Applicants have resubmitted the reply with the petition. In view of applicants' attempted timely reply, as evidenced by a properly executed Certificate of Mailing, the Notice of Abandonment is withdrawn and the application restored to pending status with the mailing of this decision.

The petition is **GRANTED**.

The two month period for submission of the Appeal Brief as required under 37 CFR 1.196, is restarted as of the date of mailing of this decision.

Should there be any questions about this decision please contact William R. Dixon, Jr., by letter addressed to Director, TC 1600, at the address listed above, or by telephone at 571-272-0519 or by facsimile sent to the general Office facsimile number 703-872-9306.

Bruce M. Kisliuk
Director, Technology Center 1600